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*Attorneys for Plaintiff*

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF COCHISE**

**ANDREA M. PETER**, individually and on  
behalf of all statutory beneficiaries of  
Stacey Jolly-Chandler, Deceased,

Plaintiff,

vs.

**CITY OF SIERRA VISTA**, a political  
subdivision of the State of Arizona;  
**RHCP-SIERRA VISTA, INC., DBA**  
**CANYON VISTA MEDICAL CENTER;**  
**THE MEDICAL DIAGNOSTIC**  
**IMAGING GROUP, LTD.,** an Arizona  
corporation; **VERONICA YUMO**  
**RUVO, D.O.; JOHN DOES I-X; JANE**  
**DOES I-X; WHITE PARTNERSHIPS I-**  
**X; and BLACK CORPORATIONS I-X,**

Defendants.

Case No:

**COMPLAINT**

**(Tort – Medical Negligence Wrongful  
Death)**

1  
2 Plaintiff, **ANDREA M. PETER**, individually and on behalf of all statutory  
3 beneficiaries of Stacey Jolly-Chandler, Deceased, complains as follows:  
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5 **PARTIES, VENUE AND JURISDICTION**

6 1. Plaintiff Andrea M. Peter brings this action as the surviving natural mother of Stacey  
7 Jolly-Chandler, deceased, pursuant to A.R.S. § 12-612. Plaintiff is a resident of Cochise  
8 County, Arizona and all of the acts complained of herein occurred in the State of Arizona.  
9 Proper jurisdiction and venue for this action lies in the Superior Court in and for the County  
10 of Cochise, State of Arizona. Upon information and belief, the above-named Defendants  
11 and/or their employees and/or their agents caused events to occur in Cochise County, State  
12 of Arizona, out of which this cause of action arose. Damages sustained by Plaintiffs exceed  
13 the allowable limits for mandatory arbitration.  
14

15 2. Defendants John Does I-X, Jane Does I-X, Black Corporations I-X and White  
16 Partnerships I-X, are either individuals or legal entities who reside or do business in the  
17 County of Cochise, State of Arizona, or caused an event to occur within the State of Arizona  
18 out of which this cause of action arose. These are fictitious Defendants whose true names  
19 and identities will be added through amendment to this Complaint upon discovery thereof.  
20 Plaintiff is informed and believes, and therefore alleges that each Defendant so designated  
21 may be legally responsible in some manner for the events referred to herein and proximately  
22 caused damage to Plaintiff. If Plaintiff at a later time discovers the identities of these  
23 fictitiously named parties, Plaintiff will at that time seek leave of Court to amend this  
24 Complaint and name the presently fictitiously named Defendants and more fully describe  
25 their conduct which has caused or contributed to damages sustained by Plaintiff.

26 3. Defendant City of Sierra Vista ("Sierra Vista") is a political subdivision of the State  
27 of Arizona, with authority over the City of Sierra Vista Fire & Medical Services and its  
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1 agents and employees including but not limited to CEP Bryan Dukes, CEP Rick Rhodes,  
2 and CEP Michael Pickett (collectively "Sierra Vista Fire"). Sierra Vista Fire is an  
3 administrative agency of the City of Sierra Vista and the City of Sierra Vista is vicariously  
4 liable for the actions of this agency and its officers, agents and employees who were acting  
5 within the scope and course of their employment, agency and authority during the times  
6 alleged in this Complaint. These Defendants caused an event to occur in Cochise County  
7 out of which this claim arises. Therefore, at all times herein mentioned, The City of Sierra  
8 Vista is vicariously and/or derivatively responsible for all of the actions, conduct,  
9 omissions, and fault of its divisions, departments, instrumentalities, agents, servants and  
10 employees under the doctrine of *respondeat superior*.

11 4. At all times mentioned herein, Defendant RHCP-SIERRA VISTA, INC. dba  
12 CANYON VISTA MEDICAL CENTER, (hereinafter "Canyon Vista") was and still is a  
13 corporation existing under and by virtue of the laws of the State of Arizona, operating as a  
14 hospital and maintaining a medical practice under the names and styles of Canyon Vista  
15 Medical Center and the Carter Imaging Center, which provides professional medical and  
16 radiological services in the County of Cochise, State of Arizona. At all times pertinent  
17 hereto and for some time prior, this Defendant has been engaged in the maintenance and  
18 operation of said medical practice, where persons requiring emergent and acute medical and  
19 radiological services are provided care and treatment for economic consideration.

20 5. At all times mentioned herein, Defendant THE MEDICAL DIAGNOSTIC  
21 IMAGING GROUP, LTD., an Arizona corporation, (hereinafter "MDIG") was and still is a  
22 corporation existing under and by virtue of the laws of the State of Arizona, operating as a  
23 radiological medical group and medical practice under the name and style of Medical  
24 Diagnostic Imaging Group, which provides professional radiological services throughout  
25 the State of Arizona including, but not limited to, the County of Cochise. At all times  
26 pertinent hereto and for some time prior, this Defendant has been engaged in the operation  
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1 of said medical practice, where persons requiring emergent and acute medical and  
2 radiological services are provided diagnostic care and treatment by MDIG physicians for  
3 economic consideration.

4 6. Defendant Veronica Yumo Ruvo, D.O., ("Dr. Ruvo") is a doctor of Osteopathic  
5 Medicine, specializing in the field of radiology, and a resident of the County of Maricopa,  
6 State of Arizona. At all relevant times herein, however, Dr. Ruvo was providing hospital  
7 based radiology services at the Carter Imaging Center at Canyon Vista Medical Center,  
8 while in the course and scope of her employment with MDIG.

9 7. Defendant Dr. Ruvo, at all times material hereto, was a physician specializing in  
10 radiology for Plaintiff's decedent, and was a licensed healthcare provider as defined by  
11 Arizona law. Defendants MDIG and Canyon Vista, at all times material hereto, were  
12 responsible for supervising the activities of Defendant Dr. Ruvo, and all other agents and  
13 employees of Defendant Canyon Vista, and at all times relevant herein, acted in a  
14 supervisory capacity.

15 8. At all times herein Defendant Dr. Ruvo was the apparent, ostensible, implied or  
16 express agent of Defendant Canyon Vista and/or committed acts of negligence while in this  
17 capacity and was acting within the course and scope of said employment and/or agency  
18 when the acts hereinafter set forth were committed, thereby imposing vicarious, joint, joint  
19 and several, or joint venturer liability upon Defendant Canyon Vista, by reason of inter alia,  
20 the implied or express contractual relationship between the parties, or the principals of such  
21 parties.

22 9. Defendant Dr. Ruvo, as well as Defendant Canyon Vista, all for a promised,  
23 consideration or fee, undertook to provide, perform and furnish medical care, attention,  
24 counsel, treatment and medical supervision to Plaintiff's decedent. Plaintiff's decedent,  
25 Stacey Jolly-Chandler, relied upon these Defendants as experts in their designated fields  
26 and, as such, the relationship of patient and medical providers was thereby created.  
27



1 10. Defendants herein, and each of them, owed Plaintiff's decedent Stacey Jolly-  
2 Chandler, a duty to act in accordance with the applicable standard of care for physicians and  
3 health care providers acting under the same or similar circumstances in the same area(s) of  
4 medicine within the State of Arizona.

5 11. At all relevant times, all Defendants held themselves out to the public as providers of  
6 advanced medical care, including full-service, radiological, emergency and acute care  
7 hospital services.

8 12. At all times pertinent hereto, Defendants and each of them, were required to exercise  
9 that degree of care, skill and learning expected of reasonable and prudent healthcare  
10 providers in the profession or class to which they belong within the State of Arizona acting  
11 in the same or similar circumstances.

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13 **FIRST CLAIM FOR RELIEF -**

14 **MEDICAL NEGLIGENCE AGAINST CANYON VISTA, MDIG, DR. RUVO**

15 13. That on May 7, 2018, Plaintiff's decedent, Stacey Jolly-Chandler, presented to  
16 Defendant Canyon Vista, Carter Imaging Center, for an MRI of her left thumb with  
17 contrast.

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19 14. While the exact timeline is not yet known, Plaintiff is informed and believes and  
20 based thereon alleges that within several minutes of receiving an injection of the contrast  
21 medium relating to her thumb MRI, Stacey Jolly-Chandler began to experience an adverse  
22 reaction to the contrast medium and complained of difficulty breathing and her tongue  
23 swelling. Recognizing that she was appearing to have a severe allergic reaction to the  
24 contrast medium, employees of Canyon Vista allegedly attempted to administer Epinephrine  
25 via an "Epi" injection pen.

26 15. Within the Carter Imaging Center at Canyon Vista is a patient emergency procedure  
27 treatment kit of some sort that has been referred to as the "Red Box." The "Epi" pens for the  
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1 radiology department are kept and maintained in this red box, along with other potentially  
2 foreseeable lifesaving medical needs and necessities. Unfortunately, however, for Stacey  
3 Jolly-Chandler, none of the staff working in the Carter Imaging Center the morning of May  
4 7, 2018 were properly trained in the use of an Epi pen, or otherwise properly trained or were  
5 aware of the JCAHO standards or procedures or protocols for the proper emergent response  
6 to anaphylaxis, which Stacey Jolly-Chandler was emergently and foreseeably suffering from  
7 after the administration of gadolinium contrast medium. As such, none of the staff of  
8 Canyon Vista administered, *inter alia*, epinephrine to Stacey Jolly-Chandler as a life saving  
9 measure during the any of the time she was suffering from anaphylaxis.

10 16. Moreover, when the staff of Canyon Vista failed in their attempt(s) to revive or  
11 otherwise reverse the effects of anaphylaxis, they called for Defendant Dr. Ruvo, who also  
12 allegedly attempted to administer epinephrine to Stacey Jolly-Chandler. Dr. Ruvo, a  
13 licensed physician, was untrained, unqualified, unfit, and wholly incapable of using an Epi  
14 pen to administer a life saving dose of epinephrine to Stacey Jolly-Chandler. Dr. Ruvo also  
15 failed as a physician to provide any other life-saving emergent medical care or treatment to  
16 Stacey Jolly-Chandler while she was dying from anaphylaxis under her care.

17 17. Despite providing a "Red Box" containing at least one "Epi pen" and other  
18 potentially life saving devices, prior to May 7, 2018, neither Defendant Canyon Vista nor  
19 Defendant MDIG provided training, policies, procedures, rules, guidelines, education, or  
20 other useful tools or educational materials to its physicians, osteopaths, agents, or  
21 employees, to save the life of a patient like Stacey Jolly-Chandler suffering from the  
22 foreseeable consequences of anaphylaxis as a result of receiving a an IV injection of a  
23 contrast medium such as gadolinium.

24 18. Defendants Canyon Vista, MDIG, and Dr. Ruvo attempted to cover up their  
25 unprofessional inability to administer epinephrine to Stacey Jolly-Chandler by throwing the  
26 "Epi pen" into the trash can in the radiology department. Were it not for the keen eye of a  
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1 paramedic who returned to the scene after the death of Stacey Jolly-Chandler and who  
2 found the Epi pen in the trash, this attempted "cover up" may never have come to light.

3 19. Defendant Canyon Vista, MDIG, and Dr. Ruvo, and each of them, were responsible  
4 for, inter alia, properly diagnosing and treating Stacey Jolly-Chandler's medical condition,  
5 i.e., the anaphylaxis caused by said Defendants and their agents and employees, and  
6 employing all necessary emergent life-saving measures to treat said anaphylaxis, including a  
7 timely call to 911, rolling Stacey Jolly-Chandler by gurney to the ER from the Carter  
8 Imaging Center (time permitting), administering epinephrine, and starting IV fluids, at a  
9 minimum.

10 20. The conduct of said Defendants, and each of them, in responding to the anaphylactic  
11 response of Stacey Jolly-Chandler to the administration of the gadolinium contrast medium,  
12 fell far below the applicable standards of care for health care providers in the State of  
13 Arizona,

14 21. As a direct and proximate result of the negligent conduct of Defendants Canyon  
15 Vista, MDIG, and Dr. Ruvo, which fell far below the applicable standards of care for health  
16 care providers in the State of Arizona, Stacey Jolly-Chandler died on May 7, 2018.

17 22. Defendants Canyon Vista, MDIG, and Dr. Ruvo, either individually or by and  
18 through their duly authorized agents, servants and/or employees, had the duty to provide to  
19 Plaintiff's decedent, the services of competent and qualified medical care providers, and to  
20 properly and timely diagnose her condition, to render competent advice and assistance in  
21 her care and treatment, to properly monitor her condition, and to act in accordance with the  
22 standards of the medical community. Plaintiff's decedent relied upon Defendants' covenants  
23 to render competent medical care. Said Defendants breached this duty.

24 23. As a direct and proximate result of the aforementioned actions and omissions,  
25 Andrea M. Peter, the surviving natural mother of Stacey Jolly-Chandler, has been  
26 permanently deprived of her love, affection, companionship, care, protection and guidance.  
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1 24. As a direct and proximate result of the aforementioned actions and omissions,  
2 Andrea M. Peter, the surviving natural mother of Stacey Jolly-Chandler, has suffered severe  
3 mental anguish resulting from observing Stacey Jolly-Chandler's injury and manner of  
4 death.

5 **SECOND CLAIM FOR RELIEF –**  
6 **MEDICAL GROSS NEGLIGENCE AGAINST**  
7 **THE CITY OF SIERRA VISTA**

8 25. The allegations contained in paragraphs 1 through 24 of this Complaint are  
9 incorporated by reference as though fully set forth herein.

10 26. After suffering from the effects of anaphylaxis at Canyon Vista as set forth herein,  
11 Sierra Vista Fire & Medical Services were called via the 911 system by the agents and  
12 employees of Canyon Vista. Sierra Vista Fire & Medical Services were dispatched to the  
13 Carter Imaging Center located virtually on the grounds of Canyon Vista.

14 27. Upon arriving at the Carter Imaging Center, employees of Sierra Vista including  
15 CEP Bryan Dukes ("Dukes"), CEP Rick Rhodes ("Rhodes"), and CEP Michael Pickett  
16 ("Pickett"), responded to the location of the gurney upon which Stacey Jolly-Chandler was  
17 found.

18 28. It is undisputed that Stacey Jolly-Chandler was suffering from anaphylaxis at the  
19 time of her encounter with Dukes, Rhodes and Pickett.

20 29. Dukes, Rhodes, and Pickett were negligent and grossly negligent when they ignored  
21 Stacey Jolly-Chandler's signs, symptoms and complaints, all of which were consistent with  
22 anaphylactic shock; they failed to appreciate the significance of Stacey Jolly-Chandler's  
23 signs, symptoms, and complaints, all of which were consistent with anaphylaxis; they failed  
24 to follow standard and accepted medical and emergency care and treatment protocols or  
25 standing orders; and failed to exercise the degree of medical care, skill, and learning  
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1 expected of a reasonable, prudent health care provider and the diligence which Stacey Jolly-  
2 Chandler was entitled to receive.

3 30. At all times mentioned herein, Dukes, Rhodes and Pickett were the agents and  
4 employees of Sierra Vista and were acting in the course and scope of that actual agency and  
5 employment at the time of the events alleged in the Notice of Claim previously submitted to  
6 the Sierra Vista City Clerk, and this Complaint. As such, the City of Sierra Vista is  
7 vicariously liable for the acts or omissions, if any, of said agents or employees as a matter of  
8 law and Sierra Vista owes a non-delegable duty to the public, including claimants herein, to  
9 properly train its employees to eliminate or minimize the substantial risk of great harm to  
10 the public.

11 31. Dukes, Rhodes, and Pickett were negligent and grossly negligent, when they failed to  
12 follow the Sierra Vista standing orders or treatment protocol regarding the presentation of  
13 patients with anaphylactic shock, and were the proximate cause of the injuries and damages  
14 suffered by decedent Stacey Jolly-Chandler. This includes, but is not limited to, the failure  
15 to administer any epinephrine, the failure to start any IV fluids, the failure to administer  
16 oxygen, and the failure to administer antihistamine diphenhydramine.

17 32. The City of Sierra Vista was additionally negligent and grossly negligent when it  
18 breached its duties of care in failing to provide its personnel with adequate training and in  
19 failing to provide proper supervisory input in connection with the standards applicable to  
20 the presentation of patients with anaphylactic shock.

21 33. The City of Sierra Vista was negligent and grossly negligent and is vicariously liable  
22 for the actions of its employees, as well as directly responsible for its own failure to  
23 properly screen, hire, train, and supervise its employees, and its own failure to implement  
24 proper policies, procedures, and training in the areas of treatment of patients with  
25 anaphylactic shock.  
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1 34. The City of Sierra Vista, through its agents or employees, was negligent and grossly  
2 negligent, when it failed to exercise the degree of medical care, skill and learning expected  
3 of a reasonable, prudent health care provider.

4 35. These failures and breaches of duties of Sierra Vista, through its agents and  
5 employees as set forth in detail above, are established and demonstrated by clear and  
6 convincing evidence, and are demonstrated by the actions and/or inactions of its agents and  
7 employees. As a result of this negligence and gross negligence, Stacey Jolly-Chandler died  
8 on May 7, 2018.

9 36. As a direct and proximate result of the aforementioned actions and omissions by  
10 Sierra Vista and its agents and employees, Andrea M. Peter, the surviving natural mother of  
11 Stacey Jolly-Chandler, individually and on behalf of all statutory beneficiaries, has been  
12 permanently deprived of her love, affection, companionship, care, protection and guidance.

13 37. As a direct and proximate result of the aforementioned actions and omissions by  
14 Sierra Vista and its agents and employees, Andrea M. Peter, the surviving natural mother of  
15 Stacey Jolly-Chandler, individually and on behalf of all statutory beneficiaries, has suffered  
16 severe mental anguish resulting from observing Stacey Jolly-Chandler's injury and manner  
17 of death.  
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19  
20 WHEREFORE, Plaintiff, Andrea M. Peter, as the surviving natural mother Stacey  
21 Jolly-Chandler, deceased, prays for judgment against Defendants and each of them as  
22 follows:

23 1. For an award of general damages, including but not limited to reasonable fair  
24 and just compensation for the pain, anguish, loss of consortium, loss of quality and  
25 enjoyment of life suffered by the decedent's mother and father;


26 2. For an award of special damages, including but not limited to funeral  
27 expenses, to abide by proof at trial;

- 1           3.     For costs of suit incurred herein; and  
2           4.     For such other and further relief as the Court deems just and proper in the  
3 premises.

4                     DATED this 4th day of February, 2019.

5                                     **DAVIS MILES MCGUIRE GARDNER, PLLC**

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7  
8           By: /s/

  
\_\_\_\_\_  
Steven Weinberger  
Michael Medina, Jr.  
*Attorneys for Plaintiffs*

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12           By: /s/ John Aguirre

\_\_\_\_\_  
John Aguirre, Esq.  
*Attorneys for Plaintiffs*

1 ORIGINAL of the foregoing filed Via FedEx  
2 this 4th day of February, 2019 with:

3 Clerk of the Court  
4 Cochise County Superior Court  
5 100 Quality Hill Road  
6 Bisbee, AZ 85603

7 By: /s/Marisela G. Cuevas  
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